

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE
ZONING MAP AMENDMENT REPORT (#FZC-20-18)
TRONSTAD-CHURCH, LLC
JANUARY 25, 2021**

I. GENERAL INFORMATION

A. Project Description

This is a report to the Flathead County Planning Board and Board of Commissioners regarding a request by Sands Surveying, Inc. on behalf of Tronstad-Church, LLC, for property located within the Highway 93 North Zoning District. The proposed amendment, if approved, would change the zoning of the subject property from *SAG-5 (Suburban Agricultural)* to *R-2.5 (Rural Residential)*.

B. Application Personnel

1. Owner/Applicant

Tronstad-Church, LLC
PO Box 10171
Kalispell, MT 59904

2. Technical Representative

Sands Surveying, Inc.
2 Village Loop
Kalispell, MT 59901

C. Process Overview

Documents pertaining to the zoning map amendment are available for public inspection in the Flathead County Planning and Zoning Office located in the South Campus Building at 40 11th Street West in Kalispell.

1. Land Use Advisory Committee/Council

This property is not located within the jurisdiction of a Land Use Advisory Committee.

2. Planning Board

The Flathead County Planning Board will conduct a public hearing on the proposed zoning map amendment on February 10, 2021 at 6:00 P.M. in the Second Floor Conference Room of the South Campus Building at 40 11th Street West in Kalispell, MT. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration.

3. Commission

In accordance with Montana law, the Commissioners will hold a public hearing on the proposed zoning map amendment on February 25, 2021. Prior to the Commissioner's public hearing, documents pertaining to the zoning map amendments will also be available for public inspection in the Office of the Board of Commissioners at 800 South Main Street in Kalispell.

II. PROPERTY CHARACTERISTICS

A. Subject Property Location and Legal Description

The property is located on Tronstad Road near Kalispell, MT (see Figure 1 below) and is approximately 110.68 acres. The property can be legally described as follows:

A tract of land lying in Tract 2C of Section 18, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana described as follows:

Parcel 2: A tract of land located in the SW 1/4 of the NE 1/4, The NW 1/4 of the SE1/4, the NE 1/4 of the SW 1/4, and the SE 1/4 the NW 1/4 of Section 18, Township 29 N, Range 21 West, P.M.M., Flathead County, Montana. Parcel 2 of Certificate of Survey No. 21586.

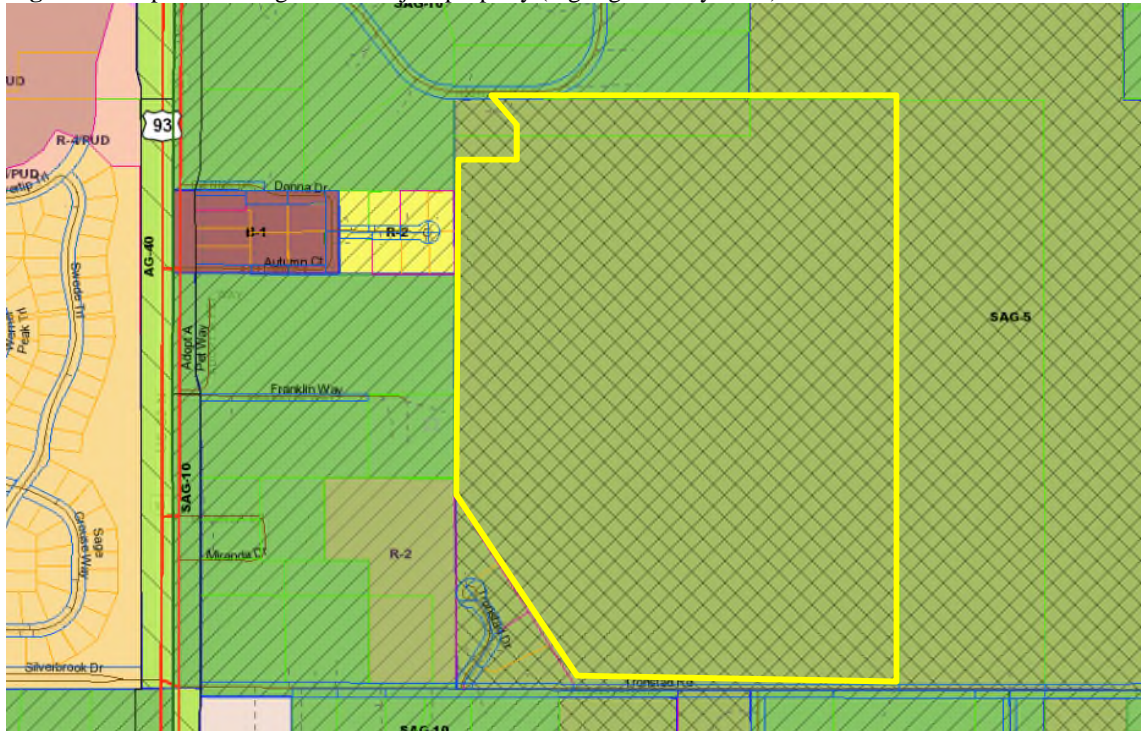
Figure 1: Subject property (outlined in yellow)



B. General Character of and Reason for Amendment

The property is located east of U.S Highway 93 and north of Tronstad Road. The property is undeveloped and is relatively flat open space. The application states the reason for the request as, the owner of the property is contemplating development and this area is transitioning from agricultural to residential with the expansion of the City of Kalispell to the west with Silverbrook Estates and to the south with the Kalispell North Town Center development around the Ford dealership. In addition, there are other rural residential projects in the immediate vicinity such as Ponderosa Pines, the Northwind Center, and the recently approved Whitefish Stage Estates.

Figure 2: Proposed zoning on the subject property (highlighted in yellow)



C. Adjacent Zoning and Character of the Overall Zoning District

The property is located within the Highway 93 North Zoning District, which is a 12,775-acre zoning district that covers much of the area between Whitefish and Kalispell. Looking at the zoning within a half mile of the subject property and further north and south along Highway 93 the character of the Highway 93 corridor is a mixture of suburban agricultural, highway industrial, commercial and residential zoning. The property is located along Tronstad Road and directly adjacent to the property is generally residential and agricultural which are zoned SAG-10, SAG-5 and R-2.

To the south along the highway is B-1 and B-3/HO zoning with a couple of businesses and a golf course zoned SAG-10. The City of Kalispell extends passed Tronstad Road to Church Drive and just to the north of the property (Silverbrook Subdivision). The zoning within the Silverbrook Subdivision is a mixture of B-1/PUD at the corner of Church and Highway 93 and R-4/PUD and R-2 /PUD. Two parcels immediately adjacent to the subject property is the City of Kalispell zoned R-2.

III. COMMENTS

A. Agency Comments

1. Agency referrals were sent to the following agencies on December 2, 2020:
 - Montana Department of Transportation
 - Flathead County Road Department
 - Flathead County Solid Waste
 - Flathead City-County Health Department
 - Flathead County Weeds & Parks Department
 - Bonneville Power Administration
 - City of Kalispell Planning Department
 - Flathead High School District
 - Kalispell School District
 - West Valley Fire District
2. The following is a summarized list of agency comment received as of the date of the completion of this staff report:
 - Flathead County Road & Bridge Department
 - Comment: “At this point the County Road Department does not have any comments on this request.” Letter dated December 7, 2020
 - Flathead County Solid Waste District
 - Comment: “The District requests that all solid waste generated at the proposed location be hauled by a private licensed hauler. Evergreen Disposal is the licensed (PSC) Public Service Commission licensed hauler in this area.” Letter dated December 3, 2020
 - Montana Fish, Wildlife and Parks
 - Comment: “Montana Fish, Wildlife and Parks has no comment on the proposed Tronstad-Church zone change request.” Email received December 21, 2020.
 - Flathead City-County Environmental Health Department
 - Comment: “At this time we have no objection to the zone change.” Letter dated December 8, 2020

B. Public Comments

1. Adjacent property notification regarding the proposed zoning map amendment was mailed to property owners within 150 feet of the subject property on January 20, 2020. Legal notice of the Planning Board public hearing on this application was published in the January 24, 2020 edition of the Daily Interlake.

Public notice of the Board of County Commissioners public hearing regarding the zoning map amendment will be physically posted on the subject property and within the zoning district according to statutory requirements found in Section 76-2-205 [M.C.A]. Notice will also be published once a week for two weeks prior to the public hearing in the legal section of the Daily Interlake. All methods of public notice will include information on the general character of the proposed zoning map amendment, and the date, time, and location of the public hearing before the Flathead County Commissioners on the requested zoning map amendment.

2. Public Comments Received

As of the date of the completion of this staff report, no public comments have been received regarding the requested zoning map amendment. It is anticipated any member of the public wishing to provide comment on the proposed zoning map amendment may do so at the Planning Board public hearing scheduled for February 10, 2021 and/or the Commissioner's Public Hearing. Any written comments received following the completion of this report will be provided to members of the Planning Board and Board of Commissioners and summarized during the public hearing(s).

IV. EVALUATION OF PROPOSED AMENDMENT

Map amendments to zoning districts are processed in accordance with Section 2.08 of the Flathead County Zoning Regulations. The criteria for reviewing zoning amendments are found in Section 2.08.040 of the Flathead County Zoning Regulations and 76-2-203 M.C.A.

A. Build-Out Analysis

Once a specific zoning designation is applied in a certain area there are certain land uses that are permitted or conditionally permitted. A build-out analysis is performed to examine the maximum potential impacts of full build-out of those uses. The build-out analysis is typically done looking at maximum densities, permitted uses, and demands on public services and facilities. Build-out analyses are objective and are not best or worst case scenarios. Without a build-out analysis to establish a foundation of understanding, there is no way to estimate the meaning of the proposed change to neighbors, the environment, future demands for public services and facilities and any of the evaluation criteria, such as impact to transportation systems. Build-out analyses are simply establishing the meaning of the zoning map amendment to the future of the community to allow for the best possible review.

Per Section 3.09 of the Flathead County Zoning Regulations (FCZR), R-2.5 is defined '*A district intended for rural, primarily residential areas where larger, estate-type lot sizes are appropriate and agricultural/silvicultural/horticultural operations are a decreasingly viable land use. The use of this district is appropriate in transition areas adjacent to and between higher-density Residential (R) and lower-density Suburban Agriculture (SAG) zones. This district is not appropriate in areas primarily surrounded by lower-density SAG and AG zones and/or areas adjacent to significant ongoing agricultural/silvicultural/horticultural and/or extractive industry operations. Furthermore, public facilities should be appropriately developed to accommodate the density and land uses of this designation. This includes paved roads. It is intended that no uses be permitted in this district that will tend to devalue property for residential purposes or interfere with the health, safety, order or general welfare of persons residing therein..*'

The SAG-5 designation is defined in Section 3.08 FCZR as, '*A district to provide and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.*'

The permitted uses and conditional uses for the proposed and existing zoning contain several differences. The amendment would decrease the number of permitted uses from 16 to 15 while decreasing the conditional uses from 28 to 23.

The permitted uses listed in both the SAG-5 and R-2.5 are as follows:

- Agricultural/horticultural/silvicultural use.
- Class A manufactured home.
- Day care home.
- Dwelling, single-family.
- Dwelling unit, accessory (ADU).
- Guest house.
- Home occupation
- Homeowners park and/or beach.
- Livestock.
- Nursery, landscaping material.
- Park and/or publicly owner recreational facility.
- Produce stand.
- Public transportation shelter station.
- Public utility service installation.
- Stable, private.

The conditional uses listed in both the SAG-5 and R-2.5 are as follows:

- Airfield.
- Aircraft hangers when in association with properties within or adjoining an airport/landing field.
- Bed and breakfast establishment.
- Camp/Retreat Center.
- Caretaker's facility.
- Cellular communications tower.
- Cemetery, mausoleum, columbarium, crematorium.
- Church and other place of worship.
- Community center building operated by a non-profit agency.
- Community residential facility.
- Dwelling, family hardship.
- Electrical distribution station.
- Golf course.
- Golf driving range.
- Manufactured home park.
- School, primary and secondary.
- Short-term rental housing.
- Stable, public.
- Temporary building, structure or use.
- Water and sewage treatment plant.
- Water storage facility.

The bulk and dimensional requirements within the current zoning requires a 20 foot setback from front, rear, side-corner and side boundary line for principal structures and a setback of 20 feet for the front and side-corner and 5 feet from the rear and side for accessory structures. A 20 foot setback is required from streams, rivers and unprotected lakes which

do not serve as property boundaries and an additional 20 foot setback is required from county roads classified as collector or major/minor arterials for both the proposed and current zoning. For SAG-5 the permitted lot coverage is 25% and maximum height is 35 feet.

The proposed zoning requires a setback of 20 foot setback from front, rear, side-corner and side boundary line for principal structures and a setback of 20 feet for the front and side-corner and 5 feet from the rear and side for accessory structures. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20 foot setback is required from county roads classified as collector or major/minor arterials for both the proposed and current zoning. The maximum building height is 35 feet for the principal structure and 18 feet for the accessory structure, providing it does not meet the setbacks for the principal structure and the permitted lot coverage is 25%.

The existing zoning requires a minimum lot area of 5 acres. The subject property totals 110.68 acres therefore 22 lots could be created with the current zoning. The proposed zoning minimum lot area is 2.5 acres. Therefore, it is likely that at full build-out the proposed zoning would allow approximately 44 lots for residential use. However each lot could have multiple uses with the issuance of a conditional use permit.

The requested zone change has the potential to increase density through subsequent subdivision in the future. The bulk and dimensional requirements are the same for existing and proposed zoning and the number of permitted and conditional uses would decrease with the proposed zoning.

B. Evaluation of Proposed Amendment Based on Statutory Criteria (76-2-203 M.C.A. and Section 2.08.040 Flathead County Zoning Regulations)

1. Whether the proposed map amendment is made in accordance with the Growth Policy/Neighborhood Plan.

The proposed zoning map amendment falls within the jurisdiction of the Flathead County Growth Policy, adopted on March 19, 2007 (Resolution #2015 A) and updated October 12, 2012 (Resolution #2015 R).

The Flathead County Growth Policy Designated Land Uses Map identifies the subject property as 'Suburban Agricultural.' The proposed R-2.5 zoning classification would appear to contrast with the current designations. However, Chapter 10 Part 3: Land Uses Maps of the Growth Policy under the heading Designated Land Use Maps specifically states, "This map depicts areas of Flathead County that are legally designated for particular land uses. This is a map which depicts existing conditions. The areas include zoning districts which are lumped together by general use rather than each specific zone and neighborhood plans. Further information on particular land uses in these areas can be obtained by consulting the appropriate zoning regulations or neighborhood plan document. The uses depicted are consistent with the existing regulations and individual plan documents. This map may be changed from time to time to reflect additional zoning districts, changes in zoning districts, map changes and neighborhood plans as they are adopted. Since this map is for informational purposes, the Planning Staff may update the same to conform to changes without the necessity of a separate resolution changing this map." Staff interprets this to mean the Designated

Land Use Map is not a future land use map that implements policies, but rather a reflection of historic land use categories. If the zoning map amendment is approved the Designated Land Use Map can be updated by staff to reflect changes made by the County Commissioners based on goals and policies of the Growth Policy.

The following is a consideration of goals and policies which appear to be applicable to the proposed zone change:

- ❖ **G.2** – *Preserve the rights of property owners to the use, enjoyment and value of their property and protect the same rights for all property owners.*
 - The amendment would allow the owner to subdivide but would also allow for the continuation of the existing use on the property.
- ❖ **G.4** – *Preserve and protect the right to farm and harvest as well as the custom, culture, environmental benefits and character of agriculture and forestry in Flathead County while allowing existing landowners flexibility of land uses.*
- **P.4.2** – *Identify lands most suited to agriculture (appropriate soils, access to water, shape and size of parcel, etc.).*
- **P.4.3** – *Identify a desirable gross density for rural residential development that retains land value, preserves the agricultural character of the community and allows for efficient provision of government services (law enforcement, fire protection, transportation, etc).*
 - The zoning map amendment allows greater flexibility to the land owner while still allowing agriculture in the area. The proposed zone change will be in line with the adjacent SAG-5 densities which are intended to be a transitional zone between urban and more rural, agricultural uses and densities. The application points out, “this part of the County is transitioning from a traditional farm use to rural and urban residential. The proposed R-2.5 acknowledges and provides for agricultural as a permitted use.”
- ❖ **G.8** – *Safe, healthy residential land use densities that preserve the character of Flathead County, protect the rights of landowners to develop land, protect the health, safety, and welfare of neighbors and efficiently provide local services.*
 - The R-2.5 designation would allow for densities of 1 dwelling unit per 2.5 acres which would likely not require public services because 2.5 acres lots can be serviced by septic systems and wells.
- ❖ **G.15** – *Promote a diverse demographic of residents.*
 - **P.15.1** – *Encourage housing, employment, education and recreation to attract, support and maintain young families.*
 - The proposed zone would allow for single family dwellings, manufactured homes and accessory dwelling units as permitted uses, all of which has the potential to make housing more affordable for young families.
- ❖ **G.23** – *Maintain safe and efficient traffic flow and mobility on county roadways.*
- **P.23.2** – *Limit private driveways from directly accessing arterials and collector roads to safe separation distances.*

- **P.23.4** – *Recognize areas in proximity to employment and retail centers as more suitable for higher residential densities and mixed use development.*

- This report contains discussion on the proposals potential burden on transportation below.

- ❖ **G.31** – *Growth that does not place unreasonable burden on the school district to provide quality education.*

- Further discussion is contained below in this report on the adequate provision of schools below.

- ❖ **G.32** – *Maintain consistently high level of fire, ambulance and emergency 911 response services in Flathead County as growth occurs.*

- ❖ **G.33** – *Maintain a consistently high level of law enforcement services in Flathead County as growth occurs.*

Finding #1: The proposed zoning map amendment generally complies with the Flathead County Growth Policy because applicable goals, policies and text appear to generally support the request, the Suburban Agriculture land use designations identified by the Designated Land Use Map portrays only zoning which was established at the time the map was created and is not a future land use map.

2. Whether the proposed map amendment is designed to:

a. Secure safety from fire and other dangers;

The subject property is located within the West Valley Fire District. The nearest fire and emergency response center is located approximately 1 road mile southwest of the property, on Whitefish Stage. The West Valley Fire Department, who did not provide comments on this proposal, would respond in the event of a fire or medical emergency. Access to the subject property would be directly from Tronstad Road, a paved two lane county collector. The subject property is not located within the Wildland Urban Interface (WUI) or a county wide priority area.

According to FEMA FIRM Panel 30029C1415J, the property is located within an unshaded Zone X an area determined to be outside the 0.2% annual chance flood hazard.

Finding #2: The proposed map amendment will not impact safety from fire and other danger because the property is not located in the WUI and is located approximately 1 road mile from the nearest fire station within the West Valley Fire District, is located off a U.S. Highway and county collector and not located within the 100 year floodplain.

b. Promote public health, public safety, and general welfare;

As previously stated, the subject property is located within the West Valley Fire District. The West Valley Fire Department would respond in the event of a fire or medical emergency and the Flathead County Sheriff's Department provides police services to the subject property. Tronstad Road and Highway 93 appear adequate to provide ingress and egress for emergency vehicles which would help to ensure adequate public health and safety. Permitted and conditional uses in the R-2.5 zone would serve to protect and promote public health, safety and general welfare.

Finding #3: The proposed zoning map amendment appears to have minimal negative impacts on public health, safety and general welfare because the property is served by the West Valley Fire Department, Flathead County Sheriff and future development would comply with the permitted and conditional uses in the R-2.5 zone.

c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

The property is located between Highway 93 and Whitefish Stage with primary access to the property off Tronstad. Tronstad Road is a two-lane county collector road within a 60 foot easement. There are no recent traffic counts for Tronstad Road. Highway 93 is a 4-lane paved highway with a 200 plus foot easement. The average daily traffic along Highway 93 near the subject property in 2019 was 23,165. The property can also be accessed by Whitefish Stage which is a paved, two-lane MDT maintained road within a 60 foot right-of-way. The average daily traffic along Whitefish Stage in 2019 was 948. MDT did not provide comment on this request. Flathead County Road and Bridge Department had no objections to this proposal.

The applicant will be required to work with Flathead City-County Health Department to meet the needs of any future development. Kate Cassidy from Environmental Health commented on the proposal and indicated there are no objections to this request. The future review would include potable water supply, wastewater treatment and disposal, stormwater drainage, and solid waste.

While the subject property is located within the Glacier High School District and Edgerton Elementary School District, neither school district provided comments on the proposal. The proposed zoning has the potential to generate school children but is not likely to impact either school. According to the 2019 Census estimates, there are 49,531 housing units in the Flathead County. The Flathead County Statistical Report of Schools 2020 states there are 16,758 students enrolled in public, private and home schools. The total students (16,758) divided by the total households (49,531) equals approximately 0.34 students per household. Therefore, 44 additional lots could generate approximately 15 school age children. It is anticipated that the school would have capacity should any residential growth occur as a result of the proposed zoning map amendment.

The zoning map amendment would change the current 5 acre minimum lot size to a smaller 2.5 acre minimum lot size, it is anticipated subsequent future development would require review. There are numerous parks, natural areas, and recreational opportunities within a short drive of the subject property.

Finding #4: The proposed amendment would facilitate the adequate provision of water, sewerage, schools, parks, and other public requirements because the further division of land or a change of use would require review through the Flathead City-County Health Department and the Montana Department of Environmental Quality and it is anticipated that future development would require subdivision review.

3. In evaluating the proposed map amendment, consideration shall be given to:

a. The reasonable provision of adequate light and air;

While the proposed zoning map amendment has the potential to increase development density on the subject property, any additional lots created would be required to meet the bulk and dimensional requirements of the R-2.5 zoning classification.

The bulk and dimensional requirements for the proposed R-2.5 zone are nearly the same to the bulk and dimensional requirements for the existing SAG-5. The proposed R-2.5 zoning sets permitted lot coverage at 25% and there is a 2.5 acre minimum lot size. The proposed zoning map amendment has the potential to increase development density on the subject property. The minimum setback requirements in the R-2.5 are 20 feet for the front, rear, side and side-corner. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20 foot setback is required from county roads classified as collector or major/minor arterials. Building height requirement is 35 feet for the principal structure and 18 feet for accessory structure. These bulk and dimensional requirements within the R-2.5 zoning designation have been established to ensure a reasonable provision of light and air.

Finding #5: The proposed zoning map amendment would provide adequate light and air to the subject property because future development would be required to meet the bulk and dimensional requirements of the R-2.5 designation.

b. The effect on motorized and non-motorized transportation systems;

The property is located between Highway 93 and Whitefish Stage with primary access to the property off Tronstad. Tronstad Road is a two-lane county collector road within a 60 foot easement. There are no recent traffic counts for Tronstad Road. Highway 93 is a 4-lane paved highway with a 200 plus foot easement. The average daily traffic along Highway 93 near the subject property in 2019 was 23,165. The property can also be accessed by Whitefish Stage which is a paved, two-lane MDT maintained road within a 60 foot right-of-way. The average daily traffic along Whitefish Stage in 2019 was 948.

Staff utilized the Institute of Transportation Engineers Trip Generation Manual to determine the average daily trip (ADT) generation for residential uses. According to the Trip Manual the average trip generation rate for a single-family dwelling is 9.52 trips per day. The proposal could generate 419 ADT for the single-family dwellings if 44 lots are developed. However, given the wide range of uses the property could be utilized for, it is difficult to determine the exact ADT generated by the proposal.

Because the property is located near a four lane, state maintained highway and a two lane county collector and MDT and the Flathead County Road and Bridge Department have no objections on the proposal, effects on motorized transportation should be minimal.

The Flathead County Trails Plan identifies Highway 93 as an arterial bike/pedestrian trail. It is anticipated that there will be minimal impact on non-motorized traffic because future development (either through subdivision or site plan review) of the property may require an easement for a bicycle trail.

Finding #6: Effects on motorized and non-motorized transportation systems will be minimal because primary access is via Tronstad Road, a two-lane, county collector and there appears to be adequate space for a future bike/pedestrian easement.

c. Compatible urban growth in the vicinity of cities and towns (that at a minimum must include the areas around municipalities);

The subject property is not located within the annexation boundary however, the subject property is situated adjacent to properties within the City of Kalispell. The subject property is located within the Growth Policy Future Land Use Map area. An agency referral was sent to the Kalispell Planning Department on December 2, 2020 but staff has not received any comments from the City as of the date on this report.

The Kalispell Growth Policy Planning Area Map designates area to the south of the subject property as *Suburban Residential*. The ‘*Suburban Residential*’ is defined in the Kalispell Growth Policy as, “*Low-density residential (suburban) neighborhoods should be developed at a density that does not exceed 4 dwelling units per acre on an overall site basis.*” The proposed R-2.5 zoning designation would provide for densities much less than the maximum 4 dwelling units per acre as allowed by the Kalispell Growth Policy. It appears that the proposed zoning designation would be compatible with urban growth in the vicinity of Kalispell.

Finding #7: It appears that the proposed zoning designation would be compatible with urban growth in the vicinity of Kalispell because the property is located outside the annexation policy boundary but is within the extent of the City of Kalispell Growth Policy Future Land Use Area and the zoning designation of suburban residential appears to be compatible with the proposed zoning.

d. The character of the district(s) and its peculiar suitability for particular uses;

The character of the district and its peculiar suitability for particular uses can best be addressed using the “three part test” established for spot zoning by legal precedent in the case of *Little v. Board of County Commissioners*. Spot zoning is described as a provision of a general plan (i.e. Growth Policy, Neighborhood Plan or Zoning District) creating a zone which benefits one or more parcels that is different from the uses allowed on surrounding properties in the area. Below is a review of the three-part test in relation to this application and the character of the district and its peculiar suitability for particular uses.

i. *The zoning allows a use that differs significantly from the prevailing use in the area.*

The uses directly adjacent to the subject property on all sides are currently agricultural and residential under the SAG-10, SAG-5, R-2 and City R-2 zoning designations although the property is located within a half-mile proximity to R-1, R-2 B-1, B-2, B-3/HO, B-2/HO, AG-40 and City RA-1/PUD, R-4/PUD, B-1/PUD zoning designations. The proposed R-2.5 zoning designation is designed to provide a transition between higher density residential use and lower density agricultural use, per Section 3.09.010 FCZR. The uses allowed in the R-2.5 zoning designation do not differ significantly from existing uses in the area.

- ii. ***The zoning applies to a small area or benefits a small number of separate landowners.***

The zoning map amendment would apply to one tract of land which is owned by one landowner. Using standard ArcGIS software staff was able to determine the property is located within SAG-5 zoned area that encompasses 110.68 acres. The zoning within half a mile of the subject property is a broad mosaic of zoning designations and lot sizes. Although the subject property is a large tract in comparison to many of the other properties, many adjacent range in size anywhere from 0.2 to 40 acres.

Although the property is 110.68 acres in size, the new R-2.5 zoning designation would be similar in size to the R-2 zones located near the subject property along U.S. Highway 93.

- iii. ***The zoning is designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public and, thus, is in the nature of special legislation.***

The zoning map amendment would apply to one tract for the benefit of one owner, however, the uses allowed and densities within the proposed zoning designation are very similar to the existing uses and densities on adjacent property. Many of the land uses listed as permitted uses in the proposed R-2.5 zoning designation exist in the area of the subject property, or would not be out of character with the existing uses in the general vicinity. The zone change would benefit one property owner but not at the expense of surrounding land owners.

Finding #8: The proposed zoning map amendment appears suitable for the character of the district and does not appear to constitute spot zoning because approval would not be at the expense of other landowners, there is a mixture of uses and zoning in the area along Highway 93 and other zoning districts in the vicinity are similarly sized.

- e. **Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.**

The subject property is located within the Highway 93 North Zoning District and surrounded by suburban agricultural and residential zoning (see Figure 2). Previous sections of this report have discussed the differences between permitted and conditional uses in the existing SAG-5 zoning and the proposed R-2.5 zoning designation. Conserving the value of buildings throughout the jurisdictional area is a function of allowing land uses that are appropriate and reasonable. Many of the land uses listed as permitted uses in the proposed R-2.5 zone exist in the vicinity of the subject property such as single-family residential and agricultural uses. The permitted and conditional uses would likely not impact the value of buildings and would be appropriate land uses throughout the area of the proposed zone change because they already exist in the area. The uses allowed in the proposed zoning are similar to the existing uses.

Finding #9: This proposed zoning map amendment appears to conserve the value of buildings and encourage the most appropriate use of land in this location because the area already contains a variety of similar uses.

4. Whether the proposed map amendment will make the zoning regulations, as nearly as possible, compatible with the zoning ordinances of nearby municipalities.

As previously stated, the subject property is within the boundaries of the City of Kalispell Growth Policy Future Land Use Area, updated by the City of Kalispell in 2017. The proposed R-2.5 zoning designation is designed to provide a transition between higher density residential and lower density agricultural zoning designations to minimize the conflict of uses.

The nearest City of Kalispell zoning is R-2 to the west of the subject property. The Kalispell R-2 zone is a residential zone that allows for single family dwellings on at least 10,000 square foot lots. There is also county zoning of Suburban Agricultural zoning located along the City – County border. The Suburban Agriculture zoning designations (SAG-10 and SAG-5) are designed to function as a buffer between urban residential and agricultural areas. The amendment appears to be, as nearly as possible, compatible with the zoning ordinance of the City of Kalispell.

Finding #10: The proposal appears to be compatible to the City of Kalispell’s zoning because the while subject property is located inside the City of Kalispell Growth Policy Future Land Use Area, it is outside the City of Kalispell annexation boundary and the proposed R-2.5 zoning designation is designed to act as a transition between residential and agricultural zoning designations that exist within this area.

IV. SUMMARY OF FINDINGS

1. The proposed zoning map amendment generally complies with the Flathead County Growth Policy because applicable goals, policies and text appear to generally support the request, the Suburban Agriculture land use designations identified by the Designated Land Use Map portrays only zoning which was established at the time the map was created and is not a future land use map.
2. The proposed map amendment will not impact safety from fire and other danger because the property is not located in the WUI and is located approximately 1 road mile from the nearest fire station within the West Valley Fire District, is located off a U.S. Highway and county collector and not located within the 100 year floodplain.
3. The proposed zoning map amendment appears to have minimal negative impacts on public health, safety and general welfare because the property is served by the West Valley Fire Department, Flathead County Sheriff and future development would comply with the permitted and conditional uses in the R-2.5 zone.
4. The proposed amendment would facilitate the adequate provision of water, sewerage, schools, parks, and other public requirements because the further division of land or a change of use would require review through the Flathead City-County Health Department and the Montana Department of Environmental Quality and it is anticipated that future development would require subdivision review.

5. The proposed zoning map amendment would provide adequate light and air to the subject property because future development would be required to meet the bulk and dimensional requirements of the R-2.5 designation.
6. Effects on motorized and non-motorized transportation systems will be minimal because primary access is via Tronstad Road, a two-lane, county collector and there appears to be adequate space for a future bike/pedestrian easement.
7. It appears that the proposed zoning designation would be compatible with urban growth in the vicinity of Kalispell because the property is located outside the annexation policy boundary but is within the City of Kalispell Growth Policy Future Land Use Area and the zoning designation of suburban residential appears to be compatible with the proposed zoning.
8. The proposed zoning map amendment appears suitable for the character of the district and does not appear to constitute spot zoning because approval would not be at the expense of other landowners, there is a mixture of uses and zoning in the area along Highway 93 and other zoning districts in the vicinity are similarly sized.
9. This proposed zoning map amendment appears to conserve the value of buildings and encourage the most appropriate use of land in this location because the area already contains a variety of similar uses.
10. The proposal appears to be compatible to the City of Kalispell's zoning because the while subject property is located inside the City of Kalispell Growth Policy Future Land Use Area, it is outside the City of Kalispell annexation boundary and the proposed R-2.5 zoning designation is designed to act as a transition between residential and agricultural zoning designations that exist within this area.

V. CONCLUSION

Per Section 2.08.020(4) of the Flathead County Zoning Regulations (FCZR), a review and evaluation by the staff of the Planning Board comparing the proposed zoning map amendment to the criteria for evaluation of amendment requests found in Section 2.08.040 FCZR has found the proposal generally complies with the review criteria, based upon the draft Findings of Fact presented above. Section 2.08.040 does not require compliance with all criteria for evaluation, only that the Planning Board and County Commissioners should be guided by the criteria.

Planner: LM